

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 16-CV-24922-MGC

JOSE ROSADO,

Plaintiff,

vs.

CITY OF MIAMI GARDENS,

Defendant.

DECLARATION OF WANDA F. GILBERT

I, Wanda F. Gilbert, declare under penalty of perjury, as provided for by the laws of the United States of America, 28 U.S.C. §1746, that the following statements are true:

1. My name is Wanda F. Gilbert, I am over the age of 21, and not a party to this case.

2. The following statements are made based upon my personal knowledge.

3. I am a former employee of The City of Miami Gardens Police Department. While employed with the department I was a Crime Intelligence Analyst.

4. During my tenure, it was my impression that there was a pervasive fear amongst department employees that anyone speaking up against the department would be retaliated against.

5. Despite this fear, on July 26, 2010 and subsequently on November 3, 2010, I made a written complaints to Chief Matthew Boyd and City Manager Danny O. Crew about a pattern of racial discrimination occurring within the department, as well as the unconstitutional police tactics used by police officers while policing the community. *True and correct copies of my written statements are attached hereto as Composite*

Exhibit "A".

6. As an experienced Crime Intelligence Analyst, I was privy to information and statistics that supported my opinions.

7. Within weeks of my written statement, an I.A. investigation was opened against me, falsely alleging that I had stolen company time.

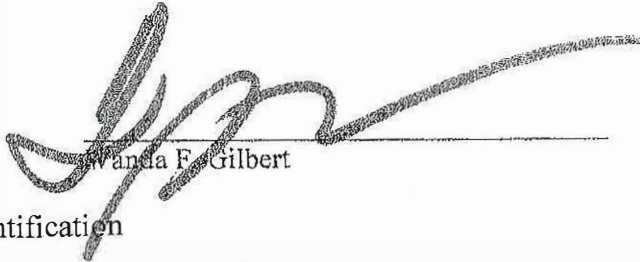
8. The investigation ultimately resulted in a decision by the City to fire me. This decision was purely pretextual and done in retaliation for me engaging in protected speech.

9. I am not receiving any benefit for giving these statements.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

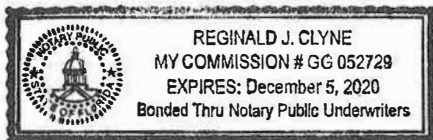
Executed this 7th day of November, 2017.

STATE OF FLORIDA
COUNTY OF Manatee


Wanda F. Gilbert

Personally Known OR Produced Identification
Type of Identification Produced: _____

SWORN TO AND SUBSCRIBED
before me this 7th day
of November,
2017. My commission expires:




NOTARY PUBLIC

Reginald J. Clyne
(Print, Type or Stamp Commissioned
Name of Notary Public)

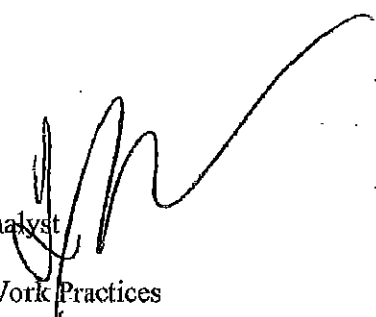
MIAMI GARDENS POLICE DEPARTMENT

DATE: July 26, 2010

TO: Matthew Boyd, Chief of Police
(Thru Channels)

FROM: Wanda F. Gilbert, Crime Intelligence Analyst

SUBJECT: Hostile Work Environment and Unfair Work Practices



Since my tenure, as a Crime Analyst with the Miami Gardens Police Department, I have observed and witnessed many questionable situations of unfairness, favoritism, and blatant racism.

I have met with you separately on several occasions and expressed my concerns of a hostile working environment under Major Anthony Chapman and Captain Frank Trujillo without resolution. During our last meeting, we discussed my situation and concerns, and you informed me that you were doing your investigation and would get back to me. However, to date chief, I have not received any response as to a resolution of my concerns. It's not a secret that some of the main problems I feel that I've experienced are with some of your management staff. It's a cozy good-old boys' network that has prevented me and many of the African American sworn and civilian employees within the department the ability to exhale.

One example would be the egregious incident that happened to my co-worker Thaddeus Knight. Prior to his resignation on March 15, 2010, he was debased and marginalized by one of your managers who called him a "Court Jester". The term "Court Jester" in and of itself is a derogatory term that is especially offensive to African Americans. The deputy chief took it to an even higher level by making this comment in front of other employees. I was devastated when Mr. Knight told me what your Deputy Chief called him. He was clearly dejected from that day until his departure from the Miami Gardens Police Department.

The departure of Mr. Knight created an opening for a Crime Analyst that was posted on 03/12/10, with a salary range of (\$58,428.82 min. to \$73,036.03 mid/DOQ). The posted salary represented a substantial increase that undermined my salary and my years of experience. Considering the salary range posted to replace my co-worker it was my immediate expectation that I would automatically be upgraded with a salary increase commensurate with the new rate.

On April 6, 2010, I spoke with Deputy Chief Miller, and I asked him, "was there a salary adjustment in process for me?" Deputy Miller's response was nonverbal however he looked chagrined. I asked him, "How can you justify bringing in another Analyst with a higher salary than mine?" Deputy Miller stated that, he would find out and get back to me. I told him that, it was common knowledge that this position was rife with collusion because the candidate was already selected. Some of the African American female civilians within the department inquired about the position and were clandestinely discouraged from applying for the job. Interviews were held and the job was indeed offered to the candidate who subsequently turned the position down.

On May 05, 2010, Major Chapman told me that the candidate turned the job down, so they offered the job to another candidate.

On May 13, 2010, Major Chapman told me that the new candidate didn't make it through the background check.

On May 13, 2010, a new job announcement was posted and the salary range (\$59,013.11 min. to \$73,766.39 mid/DOQ), another increase, higher than the job announcement on 03/12/10.

On May 28, 2010, Deputy Chief Miller sent me an email stating, he spoke with the manager's office and was told that due to current budget issues, there will be no salary adjustments or position reevaluations at this time.

I went to his office for further clarification of the email and he reiterated that he was told that there would be no adjustments. I explained to him that it's not a salary adjustment; it's the salary that was posted.

The city has made salary adjustments for several positions within the city. I assumed the analyst position had been upgraded with the new job announcement. Deputy Chief Miller then stated, "He wasn't going to pay this type of salary to an analyst." He then tried to justify his comments by going online to Metro-Miami Dade employment site for crime analysts' position and salary ranges. I found his comments particularly offensive considering that the job had already been offered at a higher salary to other candidates under his watch. Should I believe he only became aware of the disparity during our conversation???? His conversation left me to fill in the blanks. This reaction to my questions is emblematic of the way management has treated me, (not with honesty but with punitive actions.) This is why there is a need for employee protection within this organization. Finally, I asked him who made the decision? He stated it was Deputy City Manager Rene Farmer-Crichton. He stated that he had nothing to do with it; he would inquire again and get back to me.

On June 06, 2010, a subsequent Crime Analyst position was posted with a substantially lower salary of (\$41,230 min to \$51,538 mid/DOQ). Clearly, another blatant and punitive decision was adopted. It's understood, even when it's not verbalized, that certain people enjoy the benefits of skin privilege.

On June 07, 2010, Deputy Miller summoned me to his office with Major Chapman. Deputy Miller stated that HR made a mistake with the salary postings. He blamed it on a previous employee (Hillary Julien) that has not worked for the City of Miami Gardens in approximately 2 years. He stated she had input a wrong code in the system for this position. This statement was very disingenuous and insulting.

Systemic, structural and institutional racism still creates barriers for people, especially women of color, resulting in disparities in income and career advancement within the Miami Gardens Police Department. The lack of comprehensive acknowledgment of structural racism within the police department and its impact is one of the reasons that some in management believe discrimination doesn't exist because the chief is African American. The egregious acts that have been allowed to happen within the department has made it difficult to rally around the "We are family in the Gardens mantra." The Miami Gardens Police department publicly esteems itself as an ethnic melting pot but privately misses the mark by promoting a racially bias system of unfairness and injustice.

The issues that plague our department are so voluminous in my opinion that it would be a herculean task to try to address them in a single letter. There is a culture of virtual bars, walls and ceilings for the African American officers and civilian employees of disenfranchisement that are invisible to see with the naked eye. I would implore you to conduct your own research and fact-finding which would make some of the challenges you face within the department incandescently clear.

Whether we like it or not, there is hostility, fear and apprehensiveness in this department. Even as I have continued to witness acts of unfairness, I am particular sensitive to not painting racism with a broad brush.

This letter is written in the spirit of our city's ("OUR PROMISE") pledge. I have courageously shared my views and experiences since working for the City of Miami Gardens. In this letter, I have honestly and constructively dissented based on what I have I shared. I have done this because it is clear, we cannot advance our goals with the aforementioned roadblocks in our pathway.

November 3, 2010

To: Matthew Boyd, Chief of Police
Dr. Danny Crew, City Manager
Sonja Dickens, City Attorney

I believe that I am being retaliated against, because I have complained about discrimination in the workplace against African Americans, women and those who have the temerity to complain about work conditions.

WASTING TAXPAYER RESOURCES

The Miami Gardens Police Department is wasting the resources of taxpayers by not actively investigating crimes, by not using CET officers for community policing whereas the department received a grant for said actions, by paying overtime to officers who are falsifying records, by allowing senior officers to play golf during working hours, by allowing officers to live great distances from the city and thereby paying excessive gas and mileage, by issuing 2 cars to captains who don't want to drive a city mark unit to their home.

FALSIFYING RECORDS IN VIOLATION OF REGULATIONS AND STATE STATUTES

- City officers falsely creating field interrogations in order to improve statistic and obtain pay raises. The city has a quota for field interrogations
- Officers falsify time records

ETHICS VIOLATION/

Major Anthony Chapman utilizes city time to sell products to subordinates. Because of senior position, subordinates feel obligated to buy from him. This violates our internal policies, Outside Employment and Florida Statute § 112.313(3)

- Detective Arthur King told other detectives in the Investigations Division not to pick-up a homicide suspect he was looking for because he was conducting personal business out of town with Major Chapman

DISCRIMINATION BASED ON RACE IN VIOLATION OF TITLE VII, 42 USC § 1983

- City targeting black males between ages of 15 and 30 by stopping and questioning blacks. A black circuit court judge was field interrogated while sitting in front of a friend house that he was helping whose car broke down. This is clearly racial profiling.

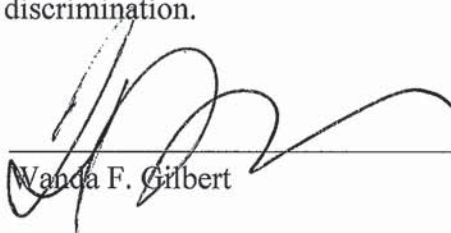
- Black employees are disciplined more frequently and more harshly than their white counterpart. See personnel files of the following:
 - Sgt Aaron Wright
 - Detective Debbie Jones
 - Captain Alfred Lewers
 - Captain Antonio Brooklen
 - Captain James Hughes
 - Detective Jeffrey Bryce
 - Officer Athur Prince
 - Sgt Richard Robinson
- I am accused of falsifying time records, because I attend monthly meeting for the United Police Federal Credit Union
- In comparison, Sgt Jose Granada, Detective Arthur King, Detective Joseph Zellner, Detective Michael Dillon and Detective David Noble have been repeatedly warned about falsifying overtime, but no disciplinary action taken against them.
- ~~Officer Brian O'Malley called two black female Community Service Aides, "nappy~~
headed ho's, bitches" and many other derogatory names. This was an IA investigation and he is still employed
- The director of the Communication Unit referred to black employees as "monkeys." She is still employed
- Major Anthony Chapman refers to African American residents as "gooks."
- Deputy Chief Paul Miller admitted to calling a black employee a "court jester".
- Other than Chief Boyd, there are no black officers ranked higher than captain. The prior two black majors were demoted to Captain.
- City hires or seeks to hire white employees and gives them higher pay than blacks with more experience and longer tenure at the city. Please check Property Specialist I Gwendolyn Jenkins (BF) and Property Specialist II Gary Gorman (WM). She had to train him. My position was advertised at higher pay rate, a white male, Seth Benshoshan with less years experience was offered the position. When I sought a pay increase to match the advertised pay, I was told it was a mistake and my raise was declined.
- Black female administrative assistants (Claudia Robinson and Carla Warren) asked to work overtime doing the 2010 Super Bowl that was hosted in the City Miami Gardens and were denied. Overtime requests by two white administrative assistants (Helen Rodriguez and Karen Brent) were granted

WHISTLEBLOWER COMPLAINT

On August 30, 2010 during a follow up meeting regarding my initial discrimination complaint dated 7/26/2010, I reiterated my observations of discrimination with attendees Deputy City

Manager Renee Crichton, City Attorney Sonya Dickens, HR Director Taren Kinglee and Chief Matthew Boyd. I am putting this in writing because to date there has not been a "true" investigation of my claims of discrimination. In fact, there has been no investigation.

This memo constitutes a written whistleblower complaint pursuant to both state and federal statutes. It also constitutes my complaint of discrimination.



Wanda F. Gilbert
